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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/797,700

03/10/2004

Richard James Humpleman

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07/27/2006

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EXAMINER

BASHORE, WILLIAM L

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,700

Applicant(s)

HUMPLEMAN ET AL.

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-14 and 16-33 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/20/06, 6/21/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Request for Reconsideration filed 5/9/2006, to the original application filed 11/3/2000, said application is a division of US Application Serial No. 09/104,297 filed 6/24/1998, with acknowledged provisional application filing dates of 9/22/1997, and 6/25/1997.
2. Applicant's submittal of Terminal Disclaimer (filed 5/9/2006) to overcome an obviousness type double patenting rejection has been acknowledged. However, said double patenting rejection shall remain on the record pending a favorable decision regarding said disclaimer by the USPTO Paralegal.
3. Claims 9-33 pending. Claims 9, 33 are independent.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer.

Terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. **Claims 9-33 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-59 of U.S. Patent No. 6,466,971 (hereinafter Humpleman '971). Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following.**

In regard to pending independent claims 9 and 33, claims 1 and 13 respectively of Humpleman '971 teach the claimed limitations substantially as claimed. Regarding pending claim 9, Humpleman '971 does not specifically teach detecting in an autonomous manner. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, because claim 1 of Humpleman '971 teaches commanding and controlling other devices, which provides reasonable suggestion to the skilled artisan to detect various devices accordingly for increased convenience. Regarding pending claim 33, claim 13 of Humpleman '971 does not specifically teach a configuration manager. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, because claim 13 of Humpleman '971 teaches commanding and controlling devices, providing reasonable suggestion that a configuration manager be utilized in order to configure various devices accordingly.

In regard to pending dependent claims 10-32, claims 1-12 and 14-59 of Humpleman '971 teach the pending claimed limitations substantially as claimed.

Allowable Subject Matter

6. **Claims 15, 16 are objected to** as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

7. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 9, 12, 17-22, 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, T. et al. (hereinafter Suzuki), Teleoperation of multiple robots through the Internet, 5th IEEE International Workshop on Robot and Human Communication, November 11-14, 1996, pages 84-89 (listed on Applicant's IDS), in view of Fisher, Susan E., Get Ready for Plug and Play, Datamation, May 1, 1996, pages 62-64.**

In regard to independent claim 9, Suzuki teaches a graphical interface for accessing a plurality of robot devices located in a room, connected via the Internet, and wireless LAN, to various operators (Suzuki Abstract, also Suzuki page 87 left column - item 4, and Figures 2, 3, 4). The limitation of a home network would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Suzuki, due to Suzuki's teaching of a graphical room with objects (Suzuki page 87 Figure 4), said room disclosed as a room in a plant (factory) (Suzuki page 88 left column – near top). The above teachings suggest a room in a home, since it is typical for rooms in a factory to permanently and/or temporarily house people as necessary, providing Suzuki the benefit of remote operation of devices in a variety of environments.

Suzuki teaches display of current images from two currently connected robot devices via a Web browser interface, said interface containing buttons for controlling the direction of said robot devices (Suzuki page 87 Figure 4). Since Suzuki's controlling computer housing the interface is connected to the networked devices accordingly, said computer can be fairly interpreted as a "home device" as well.

Suzuki teaches a browser device interface depicting images from two robot devices in a room. Suzuki also teaches a "Dialogue Window" for entering commands to a particular device identified via identifiers (Suzuki page 87 Figure 4, also column 2 near middle - "***CmCd01", and page 88 Figure 6). Suzuki's method of robot query and control (Suzuki page 87 section 5.2, see also Suzuki Figure 6 item FROM field in blocks b and c). Suzuki additionally teaches an interface entitled "Control Panel for Individual Robot" (Suzuki page 87 Figure 4), providing a user the capability of controlling the direction of an "individual" robot. Suzuki teaches a "Dialogue Window" for inputting commands directed to specific devices (Suzuki Figure 4).

Suzuki teaches management of networked devices in a room, said devices are detected and linked (Suzuki page 87 Figure 4). Suzuki does not specifically teach autonomously detecting devices that become available as detected. However, Fisher teaches "Plug and Play", whereby peripherals can be attached and recognized on the fly, such as automatic laptop detection of a powered on docking station when said laptop is docked accordingly (Fisher page 62, left column, paragraphs 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Fisher to Suzuki, providing Suzuki the benefit of Plug and Play for detecting devices, and hot swapping devices accordingly.

In regard to dependent claims 12, 17-22, 27-32, Suzuki teaches Internet communication, which can be fairly interpreted as using a form of dynamic protocol, IP, etc.. In addition, a 1394 serial bus, along with Ethernet bus, network busses and proxies, various layers, FCP, were all well known constructs within the field of networking at the time of the invention.

In regard to independent claim 33, claim 33 reflects the system comprising computer readable instructions used for implementing the methods as claimed in claim 9, and in further view of the following, is rejected along the same rationale.

Suzuki does not specifically teach a “*configuration manager*”. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, because Suzuki’s invention deal regarding controlling connected devices via network accordingly provides reasonable suggestion that various configurations must be managed for control to commence, providing the benefit of efficient management.

9. **Claims 10, 14, 23, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki and Fisher, and further in view of Venkatraman et al. (hereinafter Venkatraman), U.S. Patent No. 5,956,487 issued September 1999 (cited in Applicant’s IDS).**

In regard to dependent claims 10, 14, Suzuki teaches an HTML Web page interface (Suzuki page 87 Figure 4). HomeVision teaches a list of devices for activation (see above). Suzuki does not specifically teach a hypertext link to a web page contained within a device. However, Venkatraman teaches embedding web access in an appliance, whereby access to user interface functions (i.e. interface data) for a device is attained through a device web page located within said device, said page activated via hyperlink (Venkatraman Abstract, also column 3 lines 17-25, 28-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Venkatraman’s embedded device HTML web page within Suzuki’s menu, providing a user of Suzuki the benefit of seeing robot specific information (its embedded web page) to aid in decision making.

In regard to dependent claim 23, claim 23 incorporates substantially similar subject matter as claimed in claims 10 and 14, and is rejected along the same rationale.

In regard to dependent claim 26, claim 26 incorporates substantially similar subject matter as claimed in claims 10 and 14, and is rejected along the same rationale.

10. **Claims 11, 13, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, and Fisher, and further in view of HomeVision by Custom Solutions Inc. (hereinafter HomeVision), October 1996, pages 1-3 (listed on Applicant's IDS).**

In regard to dependent claims 11, 13, 24-25, Although Suzuki teaches a top area menu showing images from each detected device (i.e. a configuration manager) over the Internet (i.e. IP protocol) (Suzuki page 87 Figure 4), Suzuki does not specifically teach this as a list of devices that lists devices currently connected. However, HomeVision teaches a home network GUI comprising a list of devices numbered accordingly, each can be selected (accessed) for programming action functions in a displayed user interface (HomeVision Figures on pages 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply HomeVision's device list and GUI input, to the top area of Suzuki's Figure 4, and to Suzuki's "Dialogue Window" and Control Panel, etc., providing Suzuki the benefit of a list for convenient selection purposes and for controlling each device accordingly.

Response to Arguments

11. Applicant's arguments filed 5/9/2006 have been fully and carefully considered but they are not persuasive.

Applicant argues that Suzuki does not teach the claimed limitations, as well as asserting that Suzuki is non-analogous art, etc. It is respectfully noted that a "home" can be anywhere (temporary or permanent). Suzuki's room containing robots can be fairly interpreted as a form of "home".

It is respectfully noted that although it is possible for a user of Suzuki to operate all robot devices simultaneously, said user (via the use of the server) is also capable of querying/directing commands to individual devices via ID numbers. Although an operator has used wildcards in his query (see Suzuki Figure 6(a)), nevertheless, said operator of Suzuki is fully capable of substantially targeting a specific robot device (i.e. inputting and requesting specific robot ID: UgCmVcO1 – see Suzuki Figure 6(b), 6(c)), if necessary. Whether said targeted device cooperates does not obviate the fact that specific robots can be targeted by an operator to request specific tasks, even if a server is used. Further proof can be found via Suzuki's teaching of a user interface entitled "Control Panel for Individual Robot" (Suzuki page 87 Figure 4), providing a user the capability of controlling the direction of an "individual" robot. Even if it is interpreted that a user cannot enter the specific commands as presented above, Suzuki's invention carries out the initial wishes of a user, and will target a specific device, especially if Suzuki detects only one device to begin with.

Applicant argues that Suzuki does not teach detecting devices that are currently connected to a (home) network. The examiner respectfully disagrees. Fisher teaches "Plug and Play", whereby peripherals can be attached and recognized on the fly, such as automatic laptop detection of a powered on docking station when said laptop is docked accordingly. A powered on docking station is a device which can be used to either control and/or enhance the capabilities of another device (a laptop). Fisher's Plug and Play between devices is applied to Suzuki's device detection accordingly, so that a home device (i.e. a central home controller device) can automatically detect a new robot as soon as it activates. In addition, Suzuki's presentation (Suzuki Figure 4) requires each participating robot to at least be detected by the network at some point in order to read its status (i.e. active, etc.) in the lower right portion of said Figure 4. A main focus of Suzuki is to communicate with robot devices, detection of available (i.e. currently active) robots is required if communication and cooperation between robots is to occur. The examiner respectfully notes that "*displaying status of a robot*" requires the server to poll said robot over a network for its status at some point.

It is respectfully noted that Suzuki's presentation of images from each connected robot, along with a "Dialogue Window" for inputting commands directed to specific devices (Suzuki Figure 4), at least clearly suggests a menu of robots for interaction with a user. A "menu" in the general sense is merely a listing of available items for selection. Suzuki can at least suggest a menu by its capability to offer a user a list of specific (active) robots for selection (see also Suzuki page 86 column 2, item 2, where it is stated "The operator inputs task commands by selecting items in the menu..."). In addition, Suzuki's teaching of an interface entitled "Control Panel for Individual Robot" (Suzuki page 87 Figure 4), providing a user a "menu" of direction buttons for an "individual" robot.

Applicant argues that Suzuki cannot be modified by Venkatraman to place links in Web pages, etc. It is respectfully noted that both references utilize browsers and the Internet (World Wide Web). Suzuki teaches a Web page interface, along with the capability of choosing items via clickable object maps (see Suzuki page 86 column 2, item 1). Suzuki does not specifically teach a hypertext link to a web page contained within a device. However, Venkatraman teaches embedding web access in an appliance, whereby access to user interface functions for a device is attained through a device web page located within said device, said page activated via hyperlink. Said teaching provides more localized specific information displayed to an operator (via Suzuki's graphical interface of Figure 4).

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


WILLIAM BASHORE
PRIMARY EXAMINER
July 23, 2006